IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 36005 of 2007(J)

PETITIONER:

SEBASTIAN GEORGE,
INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, MUVATTUPUZHA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.S.A.ANAND
SMT.A.B.SHRILATHA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.

2. COMMISSIONER OF COMMERCIAL TAXES,
COMMISSIONERATE OF COMMERCIAL TAXES,
VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN-695 033.

3. DEPARTMENTAL PROMOTION COMMITTEE
(HIGHER), COMMERCIAL TAXES DEPARTMENT,
REPRESENTED BY ITS CONVENER, THE SECRETARY TO
GOVERNMENT, TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.

BY GOVT. PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO. 36005 OF 2007

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Dated this the 12th day of December 2007

JUDGMENT

The petitioner is an Assistant Commissioner of Commercial Taxes. Apparently, the DPC which had met on 26.3.2007 and 28.4.2007, superseded him. This seems to have been only on account of the pendency of disciplinary proceedings against the petitioner, that ultimately came to be dropped, as evidenced by Ext.P4. Review DPC met on 24.10.2007. It is the petitioner's understanding that the petitioner has been included in the revised select list. There are three vacancies in the post of Deputy Commissioner. If the revised select list is published and promotions are effected, petitioner will be eligible to be promoted, learned counsel for the petitioner contends. But there is unjustifiable delay in the publication of the select list.

2. Petitioner also has a case that his supersession was illegal. If the supersession is found to be wrong, he is eligible to be considered against the vacancy which had been filled up pursuant to Ext.P1 by his juniors.

3. In the circumstances, after hearing the learned government pleader also, the writ petition is disposed of directing the first

respondent to publish the revised select pursuant to the DPC meeting held on 24.10.2007. This shall be done before 24.12.2007. Based on the revised select list promotions shall be effected against the existing vacancies before 31.12.2007. This shall be without prejudice to the right of any person who may have an objection against the revised select list. It is also made clear that the petitioner's claim for promotion, on the premise that he should have been included in the original select list is left open. Petitioner is at liberty to agitate the same in other appropriate proceedings.

V.GIRI, JUDGE

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